

REMARKS

In the Office Action mailed on June 29, 2010, the claims have been restricted under 35 U.S.C. § 121 as follows:

Group I: claims 47-85 drawn to a method for improving globular protein function;

Group II: claims 86-100 drawn to a protein additive; and

Group III: claims 101-105 drawn to a protein composition.

Applicants provisionally elect to prosecute the claims of Group II (claims 86-100) with traverse.

To support a restriction requirement under PCT Rule 13.2, the Examiner must show that the Groups lack the same or corresponding special technical feature. A special technical feature is a technical feature that defines the contribution of the claimed invention (as a whole) over the prior art. MPEP § 1850. In this case, Groups I-III each recites that the proteins are aggregated into fibrils. Accordingly, the Groups share a special technical feature, and Applicants respectfully request that this restriction requirement be reconsidered and withdrawn.

The Office Action further restricts Group II into the following species:

Group II A: claims 91 & 95 drawn to dairy products;

Group II B: claims 92 & 96 drawn to meat products;

Group II C: claims 93 & 97 drawn to paint products; and

Group II D: claims 94 & 98-100 drawn to cosmetics, toothpastes and deodorants.

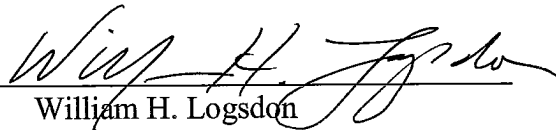
Applicants provisionally elect Group II A (claims 91 and 95) with traverse.

Since a generic claim, claim 86, encompassing all of these species, is pending, claim 86 links Groups II A-D. Four species are a reasonable number of species for the Examiner to search. For these reasons, Applicants respectfully request that Groups II A-D be examined.

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In few of the foregoing, Applicants respectfully request that the restriction requirements asserted in the Office Action dated June 29, 2010 be reconsidered and withdrawn.

Respectfully submitted,
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